



nurse's aide for the respondent and in that capacity was injured while lifting a resident and putting him to bed.

The claimant initially noticed pain in her left shoulder but didn't feel it was very serious. However, by the time she got home that evening she was in intense pain. By Sunday the pain had become so severe that the claimant sought emergency room treatment.

The following day, Monday, October 16, 2000, the claimant reported the injury to a supervisor and was referred to the company physician. Dr. Wilson imposed a 15-pound lifting restriction and the respondent was not able to put the claimant back to work.

As previously noted, there was no appearance on respondent's behalf. The claimant's uncontradicted testimony establishes that she sustained personal injury by accident arising out of and in the course of her employment on October 13, 2000, and gave timely notice of the incident to the respondent.

### **AWARD**

**WHEREFORE**, it is the finding, decision and order of the Board that the preliminary order entered herein by Administrative Law Judge John D. Clark on January 5, 2001, should be and is hereby affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_\_ day of March 2001.

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BOARD MEMBER

**Copies to:**

Dennis L. Phelps, Attorney for Claimant  
Ronald J. Laskowski, Attorney for Respondent  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Workers Compensation Director